

ALASKA REDISTRICTING BOARD

Verbal Testimony Summaries

Statewide Call-in 10/30/2021

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ALASKA REDISTRICTING BOARD COMMUNITY PUBLIC HEARING VERBAL TESTIMONY SUMMARY

Statewide 10/30/21 Teleconference Testimony

Summary Date: 11/5/2021

Name: Jim Ayers

Jim Ayers noted that the community functions very well. He has discussed how their community is naturally meeting the fair balance and non-partisan ways. It functions out the road (Auke Bay, Mendenhall Valley) in a way that flows together. Board Map v.3 brings divisiveness. The board has said they corrected concerns that were raised at the Centennial Hall meeting on the line being drawn that would pit elected representatives against each other. Jim wanted to ensure this error was corrected, and it was clarified by Board Member Borrromeo that this was corrected and the board does not have knowledge of where incumbents live and it was not their intention to gerrymander. Jim stated that the state suffers from the severe intrusion to plug divisiveness. The focus on socio-economic and deviation balance are both important and imperative that the board considers whether their actions make further strife and divisiveness in the state. Jim urged the board not to fall into this political behavior. If there is a reason or motivation of some to change the elected officials, then a candidate should be found and redistricting should not be used to pursue political goals. He urged the board to consider and support the Doyon Coalition map, AFFR map, and Senate Minority Caucus maps.

ALASKA REDISTRICTING BOARD COMMUNITY PUBLIC HEARING VERBAL TESTIMONY SUMMARY

Statewide 10/30/21 Teleconference Testimony

Summary Date: 11/5/2021

Name: Laura Bonner

Laura spoke in favor of fair representation and the AFFR plan, especially for Anchorage, ensures that all neighborhoods are equally represented with a deviation of 0.35% with no district having more than 36 people from the ideal number. This map is the only map that takes into account the diverse communities of East Anchorage, Fairview, Mountain View, and Downtown Anchorage. These areas feed into the most diverse schools in Alaska and should not be grouped with JBER which would ineffectively dilute and silence the voices of the most diverse communities. Board Maps v.3 and v.4 groups the JBER populations together as a whole, but also includes parts of Mountain View and Downtown. In the AFFR plan, the community council lines are respected as much as possible which is important for the socio-economics and cultures of these districts. Senators, representatives, and staff attend the community council meetings to stay in touch with the communities that they represent. The AFFR map has Chugiak and Eagle River forming its own senate district. Board Maps v.3 and v.4 groups parts of Chugiak and Eagle River with Anchorage; these are distinctly different areas culturally and socio-economically. There is also a well-organized effort called "Eagle Exit" to leave the Municipality of Anchorage and form its own bureau. This is another reason Eagle River/Chugiak should have its own senate district, so the AFFR plan is the best plan for fair representation in Alaska.

ALASKA REDISTRICTING BOARD COMMUNITY PUBLIC HEARING VERBAL TESTIMONY SUMMARY

Statewide 10/30/21 Teleconference Testimony

Summary Date: 11/5/2021

Name: **Kary Brinson**

Kary Brinson spoke in opposition of Board Map v.3 and Board Map v.4 as it separates Fritz Creek from the Homer area; this makes no sense. She wants to ensure that her opposition was voiced as she knows that her community members also feel the same way. Kary does not understand the Doyon Coalition map. The Senate Minority Caucus and the AFFR's proposed Kenai Peninsula maps look logical. The AFFR map does not make logical sense.

ALASKA REDISTRICTING BOARD COMMUNITY PUBLIC HEARING VERBAL TESTIMONY SUMMARY

Statewide 10/30/21 Verbal Testimony

Date: November 4, 2021, 8:57 pm

Name: **Christina Buffington**

Christina Buffington spoke in favor of the Doyon Coalition map and some aspects of Senate Minority Caucus map. She does not support Board Map v.3 in the Greater Fairbanks area, which in the Doyon Coalition map is shown in a donut shape. Christina appreciates the differences respected in Fairbanks, North Pole, Salcha, and Eielson. It also integrates tribal communities in the surrounding area. The Senate Minority map keeps communities together with consideration for socio-economic needs although she has not reviewed that map beyond the Greater Fairbanks area.

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Statewide 10/30/21 Teleconference Testimony

Summary Date: 11/4/2021

Name: Frana Burtness-Adams

Frana spoke against Board Map v.3 because of the following reasons: 1) It is a gerrymandered map put forth by a former Republican legislator whose party will benefit at the expense of the community and its values. 2) It overpopulates each Fairbanks district resulting in votes to be counted less than the voters in Kenai, Anchorage, or Mat-Su. 3) It divides Fairbanks into north and south areas, which is the opposite of the natural, cultural, social, and political orientation that follows the Chena east to west. 4) It puts parts of North Pole and parts of Fairbanks together into the same district; this is an injustice to the community of North Pole that has its own distinctive community. Frana asked the board to not adopt Board Map v.3 as it does not serve the best interests of the community. Frana spoke in favor of Board Map v.4 and the AFFR map because they both keep Fairbanks and North Pole separate, does not overpopulate districts, adheres to the lines of Fairbanks, ensures that the community has appropriate representation for the next 10 years.

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Statewide 10/30/21 Teleconference Testimony

Summary Date: 11/4/2021

Name: Alison Casort

Having grown up in Fairbanks and North Pole, Alison can testify confidently that both areas are two distinct communities that should not be districted as one. Board Map v.3 puts a large portion of North Pole, including urban Fairbanks into a district, and this does not feel representative of either place. It also overpopulates every Fairbanks district without following borough boundaries. She does not see a reason to draw the district along these lines at the expense of accurate Fairbanks representation particularly when borough boundaries are not followed in other areas of the state such as Anchorage and Kenai. Fairbanks has always been oriented along the Chena River from east to west. Board Map v.4 and AFFR map both follow this orientation, but Board Map v.3 divides the community in a north to south orientation. As a current UAF student, she hopes for the West University of Fairbanks communities (Goldstream, Fox, Ester, Chena Ridge) together which only the AFFR map does currently. This should be a guiding principal for how the West Fairbanks area is represented.

ALASKA REDISTRICTING BOARD COMMUNITY PUBLIC HEARING VERBAL TESTIMONY SUMMARY

Statewide 10/30/21 Teleconference Testimony

Summary Date: 11/4/2021

Name: Kasey Casort

Kasey Casort grew up in Fairbanks and North Pole and knows with confidence that they are fully distinct communities that should not be included in one district. Board Map v.3 puts a large part of North Pole in one district, including urban Fairbanks, but it does not feel representative of either place. Fairbanks has always been oriented along the Chena River on an east to west direction. Board Map v.4 and and AFFR maps both retain this orientation. Board Map v.3 divides the community against the grain along a north-south orientation and divides the community in an unnatural way. Board Map v.3 also overpopulates every Fairbanks district and there is no reason to redistrict along the district lines of the borough boundaries at the expense of unfair representation. Whatever map the board develops will hopefully have fair representation. Please keep the West Fairbanks University communities together, which only the AFFR map does currently. These communities consist of students, staff, and professors. UAF is an important part of Fairbanks and it should be a guiding principle for how West Fairbanks is represented altogether.

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Statewide 10/30/21 Teleconference Testimony

Summary Date: 11/4/2021

Name: **Stuart Chapin**

Stuart strongly prefers the AFFR map or Board Map v.4. Board Map v.3 divides Fairbanks up in ways that are not in the best interest of any of the communities involved and has inadequate representation of Fairbanks. Board Map v.3 does not represent the various communities that make up Fairbanks. The communities in Fairbanks differ in east/west directions in parallel to the Tenana River. It is only fair to these communities, who share the same values, service areas, and interests, to be grouped together. The AFFR map would do a better job of achieving these things instead of Board Map v.3.

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Statewide 10/30/21 Teleconference Testimony

Summary Date: 11/4/2021

Name: Alyssa Clinton

Board Map v.3 switches up Fairbanks orientation in an unnatural way and the AFFR map and Board Map v.4 does a better job in representing the natural orientation. Board Map v.3 is most opposed to for the following reasons: When looking at District 31, anyone that lives in Fairbanks knows that you have to go through 2 districts on the map to get to Two Rivers from Farmers Loop. When thinking of what the districts will turn into, they will turn into voting places and determine the representatives. There are completely two different communities in one district and a representative would not be able to accurately represent two distinct communities and this is unfair to Two Rivers. You are asking for people to compete for their needs.

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Statewide 10/30/21 Teleconference Testimony

Summary Date: 11/5/2021

Name: **Christopher Constant**

Affiliation: **Self & Chair of Anchorage Redistricting Committee**

Testimony on behalf of self: Please consider adopting the AFFR and Senate Minority Caucus maps. The issue that seems clear is that Eagle River should remain intact with 2 house districts and 1 senate district. Anchorage would be better served to take a small population to the south of its districts and Kenai has 3.2 districts and needs to lose a measure whereas the Mat-Su is growing. Eagle River has a distinct social, economic, and political perspective that is different than Anchorage. He would like to address his grave concern that the Gov't Hill neighborhood, where he resides, is drawn in several maps to be represented by Eagle River majority areas where there are no associations. There are strong associations with the joint military base (JBER) as they shop, recreate, and go through their neighborhood to exit and enter downtown. They strongly associate with Mountain View, Downtown, and South Addition residents. It would be a grave injustice to force these communities into a district with other neighborhoods that have opposite beliefs, values, and perspectives on how they live and organize their lives. For example, Eagle River prides themselves on having large bluffs, being in road service areas, and not in the road service district which is most of Anchorage. They are prideful in not being connected to the grid whereas his neighbors are on municipal services such as city water, sewers, and have small contiguous lots. If you look at the lot layout, you can see the rationale for why this part of town should not be gerrymandered in the Eagle River district. Testimony of behalf of Assembly Redistricting Committee: Eagle River is asking for the annexation of Eagle River. They have a unity of demographic and economics that is different from Downtown Anchorage. AFFR map keeps Anchorage intact and does not divide Downtown into Eagle River which makes absolutely no sense.

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Name: **Andrea Dewees**

Andrea spoke in support of the Senate Minority Caucus for Southeast Alaska as it serves the voters in Southeast Alaska best. Overall, as someone who grew up in Alaska and has had her professional career here, she supports redistricting a map that supports voters' best interests.

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Summary Date: 11/5/2021

Name: Chelsea Foster

Chelsea spoke in favor of the AFFR map because it is the only map that respects the distinct and diverse communities in the East Anchorage, Mountain View, Downtown Anchorage, and Fairview. It does not split up these areas and includes them in Eagle River, South Anchorage, and a large unified JBER district where peoples in the areas will have their votes diluted. This is a simple matter of equity. These communities are highly diverse and deleting representation would also eliminate minority representation. Although the board may be inclined to choose their own map, strong feedback on the AFFR map should help the board to make thier maps more equitable. The AFFR map puts hillside neighborhoods in its own district with no portions of East Anchorage or Downtown Anchorage included. It would put the Abbott Loop neighborhood in its own District 14 and the Huffman/O'Malley neighborhood in one district, keeping houses on both the north and south of Hillside Drive in the same district which is very important to her as a southside resident. It also puts south Hillside in District 9 from Huffman and O'Malley in a district with Turnagain Arm communities.

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Summary Date: 11/4/2021

Name: Leo Hicker

Leo Hicker spoke in opposition of Board Map v.3 as it overpopulates districts and results in underrepresentation of Fairbanks. Through living and interacting with the Fairbanks communities, the social groups tend to be oriented east and west along the Chena River. The maps should represent these communities. As a university student, he feels connected to Goldstream, Ester, Chena Ridge, and university areas and he would like to be represented with these communities as they have similar interests and values. The AFFR map is the only one that would achieve this. The AFFR and Board Map v.4 both reflect the east/west divide, but Board Map v.3 uses north-south lines and breaks up communities of interest.

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Summary Date: 11/4/2021

Name: Laurie Hueffer

Laurie supports a map that is fair, equitable, and does not gerrymander, thus she is unsupportive of Board Map v.3. Laurie is in favor of the AFFR map and Board Map v.4 which better represents the local communities in Fairbanks. Laurie appreciates that the need to separate the North Pole from Fairbanks was recognized in both maps. She also feels it is important to not overpopulate districts, consider equity, and the natural alignment of Fairbanks.

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Summary Date: 11/5/2021

Name: **Mary Elizabeth Kehrhahn-Stark**

Mary expressed concern about Board Map v.3 as it is unfair for the Fairbanks North Star Borough (FNSB) and the voters of the borough. According to the census, the FNSB should be allocated 5.23 seats that are socio-economically integrated and then one other seat for the excess population. The excess population should go to another district with fair representation having one person, one vote. Mary asked for Board Map v.3 to not be adopted.

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Name: **Kathryn Kindt**

Kathryn is a Two Rivers resident in a gerrymandered district and she hopes this will change. Kathryn has reviewed the proposed changes and spoke in favor of Board Map v.4 and the Doyon Coalition map. She likes to see communities united and not split up, such as Chena Hot Springs and places off the road system.

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Summary Date: 11/5/2021

Name: Jaeleen Kookesh

Affiliation: Sealaska

Sealaska is proud to partner with other Alaska Native corporations to develop a proposed statewide redistricting plan. Jaeleen urged the board to strongly consider the Doyon Coalition map and voiced the following concerns of importance to Sealaska: 1. The Doyon Coalition has proposed a compact map that is contiguous and socio-economically integrated. Southeast Alaska population is currently at 71,286 which corresponds to just under 4 districts. Southeast is entitled to this amount of districts, granted they will all slightly be under-deviated. Their proposed map creates district borders that make sense and include geographic boundaries. They have also proposed a Southeast Alaska island district (District 2) which includes communities on Prince of Wales Island. This proposed district of islands and rural communities maintains socio-economic integration and is contiguous. It is linked by geography, socio-economics, and culture. One of the most important features are the islands and whenever possible, they have tried to ensure the communities on the same islands are represented together with the exception of the Admiralty Island. They have tried to maintain the islands as a whole. They provided another option for Juneau, Proposed Districts 3 and 4. District 3 maintains the distinct Juneau areas of Ahk Bay and Mendenhall Valley and puts the downtown districts in northern communities of Haines, Gustavus and Skagway. Sealaska is okay with other map versions that keep northern communities of Mendenhall Valley, Ahk Bay, and Juneau together. 2. In past redistricting cycles, many rural communities have been placed with districts that do not share the same concerns, economic bases, or cultures. For examples, placing interior off-road system communities with coastal communities. Sealaska supports their coalition partners in retaining rural interior villages together and maintaining separation from coastal communities. 3. The Doyon Coalition has concerns about Board Map v.3 in the Fairbanks area as the districts are upwardly deviated between 4.23 and 4.43 percent. In their view, this is too high of a deviation. Jaeleen wants to ensure that rural representation is maintained overall. Regarding Prince of Wales Island, can they be broken and how can it be shared with Ketchikan or should it remain in larger Sitka district? Sealaska looked at the possibility of breaking up communities and their maps intentionally kept islands together, but looking at the possibilities, her preference for Prince of Wales is that at least the traditionally Native communities stay together (Craig, Klawok, Kasaan, and Hydaburg) and pull from eastern island of Prince of Wales such as Thorn Bay.

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Summary Date: 11/5/2021

Name: **John Lincoln**

Affiliation: **NANA CEO**

NANA is a for-profit Alaska Native corporation for 15,000 Inupiat shareholders in Alaska, including Buckland and Deering. NANA urges the board to adopt a map that reflects their ANCSA region, borough municipalities, and tribal health service areas by keeping their 11 socio-economically integrated communities together in District 40. Socio-economic integration is a critical component of the redistricting process and true integration will reflect the interactions of the people in these areas. There is clear evidence of this in the region including transportation, health, government, education, , significant ancient cultural ties and more. 100% of testifiers at the 10/5/21 Kotzebue asked for the same consideration to keep Buckland and Deering in District 40 to keep the region whole.

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Summary Date: 11/5/2021

Name: Lesley Lyman

Lesley favor of Senate Minority Caucus map. It is beyond understanding how Key Harbor and downtown can be put together. If it is redistricted to throw incumbents together by obvious gerrymandering, that is a thought she is blown away with. She hopes the board will settle on something more democratic than the Senate Minority Caucus map.

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Summary Date: 11/5/2021

Name: Helenmarie Matesi

Hellenmarie lives off Becker Ridge in the Chena/Ester area on the westside of town. Hellenmarie spoke in opposition of Board Map v.3 as it would group her community with North Pole. The map also overpopulates Fairbanks districts in a way that doesn't happen in other communities in the state. It would diminish the effectiveness of votes and fairness of the system. The map also results in Anchorage and Mat-Su being overrepresented while Fairbanks is underrepresented. The map also does not follow the east/west orientation that exists in the Fairbanks North Star Borough. Hellenmarie sent in a document. She spoke in favor of Board Map v.4 and the AFFR map as they recognize North Pole's distinct identity and keeps the Greater North Pole in one community. Ester is her community; North Pole is not her community. Her first choice is the AFFR map. Her second choice is Board Map v.4.

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Summary Date: 11/5/2021

Name: Diane Preston

Diane stated that the AFFR and AFFER maps were difficult to navigate on the website. She believes the AFFR map is the best plan from what she can see in the Fairbanks area. Where she lives is part of a contiguous neighborhood that is not broken up by the roads she lives on. Diane spoke in opposition of the AFFER map which pairs her with Chena Hot Springs Road and puts her in a different district than her neighbors across the road. Board Map v.3 divides her and her neighbors, placing her with Fox and her neighbors in North Pole. The Senate Minority Caucus map also puts her neighbors across the street with North Pole with no community connection. Board Map v.4 at least has her in a contiguous district with her neighbors; she appreciates this. The Doyon Coalition map places her with her neighbors, but breaks up the Chena Hot Springs community. The AFFR map looks the best overall for Fairbanks.

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Summary Date: 11/5/2021

Name: **John Rathbun**

John spoke in favor of keeping the communities of Salcha, Eielson , and Wainwright together; this is best served in Board Map v.3 and thus, he supports Board Map v.3.

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Summary Date: 11/4/2021

Name: **Martha Roberts**

Martha opposed Board Map v.3 as it breaks Fairbanks into only 5 districts while the other areas have 6 districts which means Fairbanks would lose 1/2 a senator. They would also be underrepresented compared to Anchorage and Mat-Su. It would also separate North Pole from Eielson AFB which several testifiers have spoken against. When will the board release the senate pairings? The Senate Minority Caucus map puts her neighborhood with Goldstream where her community has more in common than the northeast.

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Name: **Kelvin Rogers**

Kelvin is in support of the AFFR map and Board Map v.4 as Board Map v.3 carves out Fairbanks in ways that don't make sense and lumps Fairbanks in with North Pole where he has barely frequented. Board Map v.4 and AFFR maps both split up Fairbanks along lines that make sense with the communities that he has lived in and observed.

**Note to the Reapportionment Board, Answering Member Borrromeo
From Senator Tom Begich
October 30, 2021**

Member Borrromeo,

You have asked me about my views on the constitutionality of other plans presented by the Board. In general, it appears as though the Board has accepted a prioritization of socioeconomic integration that I do not believe the Court will accept, as such an interpretation clearly conflicts with the Alaska Court's increasing focus on lower deviations between house districts in support of providing full and equal representation for all Alaska Citizens. The Board appears to have instead promoted district and overall map deviations that are unnecessarily high. Many third-party plans – and testimony before the Board – have underscored that there can be lower deviations in virtually all instances without materially sacrificing compactness, contiguity, and socioeconomic integration. Consequently, in answer to your question, the likelihood of litigation is high with Board maps 3 and 4, as they appear more focused on socioeconomic integration than on deviations. I should point out that these maps represent an improvement over Board maps 1 and 2, but likely remain unconstitutional – particularly Board Map 3, based on my reading of prior court decisions.

To reiterate, my expertise in the past has been around the area of socioeconomic integration, where I have been certified as an expert witness by the Court in the 1991 cycle. I was under contract to the state for that cycle's Board. I further was deployed as a state employee to support the work of the Governor's Office with the Board in 2001, and was privately contracted to clients and the state to offer advice on reapportionment in 2003 and 2011 – 2013.

Response to question:

Those prior court decisions have clearly described how socioeconomic integration is to be applied. The March 21, 2002 Supreme Court order and remand to Superior Court said:

(Section 5, footnote 2)

"In *Hickel v. Southeast Conference*, [846 P.2d 38](#) (Alaska 1992), we adopted and observed the following priorities relating to redistricting:

Priority must be given first to the Federal Constitution, second to the federal voting rights act, and third to the requirements of article VI, section 6 of the Alaska Constitution. The requirements of article VI, section 6 shall receive priority *inter se* in the following order: (1) contiguousness and compactness, (2) relative socioeconomic integration, (3) consideration of local government boundaries, (4) use of drainage and other geographic features in describing boundaries. [emphasis added]

Id. at 62. We adhere to these priorities in this order."

This note clearly indicates the primacy, in the Court's eyes, of the federal Constitution in the process of redistricting over socioeconomic integration. This is why deviations matter, as they are a reflection of one person one vote (*Baker v. Carr*), a federal standard. Further, this note underscores that *inter se*, socioeconomic integration falls in consideration after contiguosness and compactness. Overemphasizing socioeconomic integration over deviations is incorrect – they each are part of a mix, but federal law remains the highest consideration. The *Hickel* process is consistent with this value. First draw the map to meet the Alaska Constitution (keeping in mind *inter se* ranking), then modify it because of federal primacy with federal considerations – deviation and, formerly, the VRA. Again, why deviations matter.

Earlier Alaska cases were more generous with deviations – even justifying substantial deviations over and above the federal standard for state legislatures first identified in *Reynolds v. Sims*, and firmly established at 10% in *Brown v. Thomson*, though those higher deviations were viewed as necessary to meet other federal considerations (VRA for example). But the Alaska Supreme Court in 2002 found that Alaska should apply a more narrow deviation standard than the federal standard to urban areas, as defined in this discussion of rejected Anchorage Districts (again, from the March 22, 2001 Order):

“Newly available technological advances will often make it practicable to achieve deviations substantially below the ten percent federal threshold, particularly in urban areas. Accordingly, article VI, section 6 will in many cases **be stricter than the federal threshold.** Here the board believed that deviations within ten percent in Anchorage automatically satisfied constitutional requirements; plaintiffs established that the board failed to make any attempt to further minimize the Anchorage deviations. Because, as the board's counsel conceded at oral argument, the board made no effort to reduce deviations in Anchorage below ten percent, **the burden shifted to the board to demonstrate that further minimizing the deviations would have been impracticable** in light of competing requirements imposed under either federal or state law. We conclude that the board failed to offer an acceptable justification for the Anchorage deviations. [emphasis added]

The board considered and rejected Anchorage plans with significantly lower maximum deviations, apparently because these plans did not respect the board's conception of neighborhood boundaries. But as we held in *Groh v. Egan*, Anchorage neighborhood patterns cannot justify "substantial disparities" in population equality across Anchorage districts. **Anchorage is by definition socio-economically integrated, and its population is sufficiently dense and evenly spread to allow multiple combinations of compact, contiguous districts with minimal population deviations.** Accordingly, the Anchorage deviations are unconstitutional, and require the board on remand to make a good faith effort to further reduce the deviations. [emphasis added]

In re 2001 Redistricting Cases, 44 P.3d 141, 146 (Alaska 2002)

If districts can be created that have a lower deviation within a defined socioeconomic area, and Boroughs and Municipalities are by definition socioeconomically integrated areas (see: *Hickel v. Southeast Conference*, [846 P.2d 38, 52](#) (Alaska 1993)), then the Board is compelled to ensure that these lower deviations are used, unless they can justify a more compelling reason for not using them.

Numerous maps meet this criteria of showing lower deviations for urban areas, The Senate Minority Caucus Map, for example has deviations under .14% for all five fully contained Fairbanks districts, all 6 Mat Su majority districts, and all 16 Anchorage Majority districts. Further, within the Kenai Borough there is minimal deviation between the three wholly contained Kenai districts, and the same is true between the four house districts in Southeast – whether overpopulated (if Cordova is included in Southeast), or underpopulated (if Cordova is not included in Southeast – see more on Cordova below).

This focus on deviation emerges from a prior understanding in *Hickel v. Southeast Conference*, 846 P.2d 38, 47 (Alaska 1993), before the constitutional change in 1998, that:

“The Alaska Constitution requires districts comprising "relatively integrated" areas. Alaska Const. art. VI, § 6. Petitioners argue that the term "relatively" diminishes the degree of socio-economic integration required within an election district. We are urged to compare all proposed districts with a hypothetical completely unintegrated area, as if a district including both Quinhagak and Los Angeles had been proposed. We decline to adopt petitioners' interpretation of this provision. **"Relatively" means that we compare proposed districts to other previously existing and proposed districts as well as principal alternative districts to determine if socio-economic links are sufficient.** "Relatively" does not mean "minimally," and it does not weaken the constitutional requirement of integration.”

In the case of the current Board Maps 3 and 4, it is clear that options that meet a stricter deviation standard than those proposed by the Board can be executed while retaining respect to the Alaska standards of compactness, contiguity, and “sufficient” socioeconomic integration. Further, the Board unnecessarily reduces the proportional strength of Fairbanks in Board Map 3 by not allocating the excess population (23% of an additional district – or roughly 3,980 people) to another district or districts. Instead the Board map unnecessarily packs population in these five districts with deviations in all exceeding 4.27% at a minimum, contrary to the direction in the March 2002 Order cited above.

In support of excess population allocation, the Alaska Court in *Hickel* found that:

“The Governor's plan unfairly dilutes the proportional representation the residents of the Mat-Su Borough are guaranteed. **A municipality should not be made to contribute so much of its population to districts centered elsewhere that it is deprived of representation which is justified by its population.**” *Hickel v. Southeast Conference*, 846 P.2d 38, 53 (Alaska 1993) [emphasis added]

Further the Court observed that:

“We recognize that it may be necessary to divide a borough so that its excess population is allocated to a district situated elsewhere. However, **where possible**, all of a municipality's excess population should go to one other district in order to **maximize effective representation of the excess group**. (see footnote 26 below) This result is compelled not only by the article VI, section 6 requirements, but also by the state equal protection clause which guarantees the right to proportional geographic representation. *See Kenai Peninsula Borough v. State*, [743 P.2d 1352, 1369, 1372-73](#) (Alaska 1987) (stating that a primary indication of intentional discrimination against a geographic region was a lack of adherence to established political subdivision boundaries). [emphasis added]
Hickel v. Southeast Conference, 846 P.2d 38, 52 (Alaska 1993)”

Footnote 26: Dividing the municipality's excess population among a number of districts would tend to dilute the effectiveness of the votes of those in the excess population group. Their collective votes in a single district would speak with a stronger voice than if distributed among several districts.

However, this interpretation of prior Alaska Court rulings regarding placement of excess populations has been suggested as ambiguous by Board Counsel, likely based on these findings in 2002:

“The board interpreted this court's decision in *Kenai Peninsula Borough v. State* to preclude the board from pairing population from the Matanuska-Susitna Borough with the Municipality of Anchorage because both Anchorage and the borough **had sufficient excess population to "control" an additional seat**.⁷ But *Kenai Peninsula Borough* **does not entitle political subdivisions to control a particular number of seats based upon their populations**. *Kenai Peninsula Borough* simply held that the board cannot intentionally discriminate against a borough or any other "politically salient class" of voters by invidiously minimizing that class's right to an equally effective vote. *Kenai Peninsula Borough* recognizes that when a reapportionment plan unnecessarily divides a municipality in a way that **dilutes the effective strength of municipal voters**, the plan's provisions will raise an inference of intentional discrimination. But an inference of discriminatory intent may be negated by a demonstration that the challenged aspects of a plan resulted from legitimate non-discriminatory policies such as the article VI, section 6 requirements of compactness, contiguity, and socio-economic integration. [emphasis added]
In re 2001 Redistricting Cases, 44 P.3d 141, 144 (Alaska 2002)

But in footnotes to that same conclusion in the 2002 Order, the Court found that:

“7. The Municipality of Anchorage has a population that would support 16.6 house seats. The Matanuska-Susitna Borough's population would support 3.8 seats. Taken collectively, these municipalities — which by any measure meet article VI, section 6's relative socio-economic integration requirement — would support 20.4 seats. But under the board's interpretation of the doctrine of proportionality, the Municipality of Anchorage is entitled to control seventeen seats and the Matanuska-Susitna Borough is entitled to control four seats, for a collective total of twenty-one seats.

On remand it is likely that the board will consider whether to combine a portion of the excess population of these two municipalities to create a twentieth district. Doing so would leave a population excess of .4, and would raise the question what to do with that excess. **One answer might be to overpopulate slightly each of the twenty districts, adding about 300 people to each district, a positive deviation from the ideal of about two percent. But this choice might be seen as undesirable, especially given the relatively high growth rate of the area, and if this choice is not taken, the question will be whether the .4 excess population can be combined with a neighboring area.**

This would raise two issues. The first issue is whether this court's anti-dilution rule expressed in *Hickel*, [846 P.2d at 52](#), would permit such a combination. This rule holds that where possible the excess population of a municipality can only go to one other district. For example, in the scenario under discussion here (a joint Anchorage/Matanuska-Susitna district), the excess .4 populations of both municipalities would not fit into a single joint district, thus making it impossible to achieve literal compliance with the anti-dilution rule. **We conclude, however, that this need to accommodate excess population would be sufficient justification to depart from the anti-dilution rule.**

The second issue is whether any neighboring area that might be joined with the .4 excess population would be sufficiently integrated. Based on the briefs and oral arguments, it appears to us, under these circumstances, **that any neighboring areas north, east, or south of the combined municipalities would meet the constitutional requirement of relative socio-economic integration.** [emphasis added]

This footnote refines the Court's position. In this unique case, the excess is .4 — if you combine the excess populations of Mat Su and Anchorage in one additional district from the 2000 Census. But in 2021 we face an entirely different circumstance. Combining the excess from the Borough and the Municipality in one additional district would leave an excess of .7 — nearly an additional seat. The Board would be forced to look either north, east, or south to see that excess absorbed (note that west of these two entities is not considered an option), **but this population may be too large to be absorbed without significantly impacting integration of other boroughs or creating higher deviations.** In 2001 the court ordered the Board to “*take a hard look at options that it may have ignored based on its misinterpretation of the law.*” In *re 2001 Redistricting Cases*, 44 P.3d 141, 144 (Alaska 2002) That is precisely what the Board must do. In today's instance those options have been reviewed by at least some of the third-party groups already. There is ample opportunity to fully represent the additional population of the Fairbanks, Kenai, and Mat-Su Boroughs, and the Municipality of Anchorage, retaining constitutional socioeconomic integration, meeting the contiguity and compactness standards

upheld in prior litigation, all **while maintaining low deviations**, thus meeting federal and state constitutional standards as well.

In light of third-party proposals being presented to the Board that meet the rigorous state constitutional standards, the Board is compelled to present a plan to the public that is at least equal to those that have been presented.

A couple of further notes worth considering:

On the question of Cordova in Southeast:

While this idea was rejected in prior courts, or not acted on by prior Board's. there is a note in the 2002 court record that opens this option to consideration:

“The Craig plaintiffs acknowledge that a district including Cordova and extending as far south as Baranof Island would be compact. But they argue that extending the district beyond Baranof Island to the southern boundary of the state violates the compactness requirement. **Although we have in the past invalidated Southeast Alaska districts that included Cordova, 4 current population figures justify Cordova's inclusion in House District 5 to prevent substantial deviations in Southeast Alaska.**” [emphasis added]
In re 2001 Redistricting Cases, 44 P.3d 141, 143 (Alaska 2002)

4“*Carpenter v. Hammond*, [667 P.2d 1204, 1215](#) (Alaska 1983) (holding that "inclusion of Cordova in House Election District 2" violated socio-economic integration requirement, "[a]lthough the question [was] an extremely close one").” *In re 2001 Redistricting Cases*, 44 P.3d 141, 143 n.4 (Alaska 2002)

Juneau and Southeast Deviations

It should be noted in this discussion that Board maps 3 and 4 have substantial deviations between the 4 proposed House districts in Southeast. These are unnecessary. Other maps provided to the Board show that four roughly equal in population districts can be drawn in Southeast – whether over or underpopulated (whether with or without Cordova) without violating compactness or contiguity. Further, Board map 4 splits the Juneau Borough in a way that splits the geography of the Borough. A map that follows a more traditional break at the Fred Meyer line (this was included in much of the Juneau testimony), appears to make more rational sense. This latter point, however, is not a matter of constitutional violation.

On the Question of Eagle River in Anchorage:

Per all prior court findings, Eagle River/Chugiak – defined as that area North of the Glen Highway Muldoon interchange to the Knik Bridge, is a part of the socioeconomically integrated Municipality of Anchorage. Nonetheless, as identified in prior plans, there is compelling testimony that these areas should be integrated into two House districts and a single Senate district, as *Luper* contended in 2002. It would not violate the constitution to do so, nor is it compelled by the Constitution to do so, yet most maps presented to the Board do create two House districts from Eagle River/Chugiak/Peters Creek, though not all pair these two as a

Senate district. Creating such house and senate districts does not violate the State Constitution, but, as a matter of public policy, it might be compelling to combine House districts in this area in a single Senate District. This is a policy issue that the Board must decide.

On Neighborhoods within Municipalities and other organized areas (from 2001 decision discussion by the court):

“Anchorage neighborhood patterns cannot justify "substantial disparities" in population equality across Anchorage districts.¹³ Anchorage is by definition socio-economically integrated, and its population is sufficiently dense and evenly spread to allow multiple combinations of compact, contiguous districts with minimal population deviations. Accordingly, the Anchorage deviations are unconstitutional, and require the board on remand to make a good faith effort to further reduce the deviations.

In re 2001 Redistricting Cases, 44 P.3d 141, 146 (Alaska 2002)

13. In *Groh*, we considered testimony concerning patterns of housing, income levels, and minority residency. We observed:

While such patterns may form a basis for districting, they lack the necessary significance to justify the substantial disparities of 5.9, 6.5 and 8.6 percent. **In an urban area** such as Anchorage, **more mathematical exactness can be achieved than in the sparsely settled portions of the state** where pockets of culturally and economically divergent populations may be separated by geographic barriers. [emphasis added]

In re 2001 Redistricting Cases, 44 P.3d 141, 146 n.13 (Alaska 2002)

As Judge Ridner Observed: “respect for neighborhood boundaries is an admirable goal," but "it is not constitutionally required and must give way to other legal requirements” *In re 2001 Redistricting Cases*, 47 P.3d 1089, 1091 (Alaska 2002)” The Alaska Supreme Court also rejected the notions that communities within the Anchorage area are socially and economically distinct. The court held: "Anchorage is by definition socio-economically integrated and its population is sufficiently dense and evenly spread to allow multiple combinations of compact contiguous districts with minimal population deviations." *Id.* at p. 9; *see also Groh v. Egan*, [526 P.2d 863, 878-79](#) (Alaska 1974).

Considerations in Other Maps.

When reviewing other maps, keeping in mind the above notes, it should be noted that there are other issues to consider:

- 1) Where it can be minimized, Boroughs/Municipalities should only be broken once. This is violated in most maps on the Kenai, but this is truly due to Alaska’s unique circumstances. In instances where there are multiple breaks, they should be kept to a minimum and those that appear to cause less disruption to an overall map while not violating the State or federal constitutional criteria should be given precedence (lower deviations, relative equality of population in wholly contained districts within a

Borough; spreading of excess population to areas that are contiguous, relatively compact (though harder to achieve), and socioeconomically integrated.

There are multiple ways to keep Anchorage, Mat Su, and Fairbanks NSB from being broken more than once and, at least in the Senate Minority map, those three entities also can be situated in districts under .14% deviation. Kenai districts can be nearly equaled in population, though overrepresented on most maps. Southeast's four districts, regardless of whether they are over or underpopulated due to Cordova's placement, can also be relatively balanced.

Again, as noted above, "**...more mathematical exactness can be achieved than in the sparsely settled portions of the state** where pockets of culturally and economically divergent populations may be separated by geographic barriers. [emphasis added] *In re 2001 Redistricting Cases*, 44 P.3d 141, 146 n.13 (Alaska 2002). This implicitly suggests that when "mathematical exactness" is achievable, it should have a priority. As technology advances this continues to be possible to greater and greater degrees. This has the effect of limiting opportunities to "gerrymander", a compelling reason for adoption of ever-stricter standards over the decades.

- 2) The Alaska Court has ruled that Delta Junction, and by extension other parts of the Unorganized Borough can be divided.

"The trial court correctly concluded that the **Delta Junction area has no constitutional right to be placed in a single house district. Dividing the area does not violate the constitutional requirement that districts be socio-economically integrated so long as each portion is integrated, as nearly as practicable, with the district in which it is placed.** Further, **dividing an unorganized area** such as the Delta Junction area **does not**, without more, **constitute sufficient evidence of an equal protection violation such that the board must justify its action.** Nevertheless, because this order requires reconsideration of the districts encompassing this area, on remand the board should take a hard look at alternatives, including constitutional alternatives that preserve socio-economically integrated areas." [emphasis added]
In re 2001 Redistricting Cases, 44 P.3d 141, 144-45 (Alaska 2002)

- 3) Saxman is part of the Ketchikan Gateway Borough and should not be removed from it arbitrarily:

"Saxman, part of the Borough, is more socio-economically integrated with the City of Ketchikan than it is with other Native communities of the Southeast islands." *Hickel v. Southeast Conference*, 846 P.2d 38, 51 (Alaska 1993")

- 4) Valdez submitted a matrix with its map that only included 4 House Districts for Fairbanks, instead of 5. This is a mistake and likely means their very well laid out map is

flawed. We provided a “Valdez-Cordova” option to show you how this more likely would look if constitutional principles were applied. We do not recommend this approach.

- 5) While some maps, after this process, may have lower deviations than others, the process for how you arrived at those higher deviations is what matters. In describing the maps created by the Senate Minority Caucus, and our process, we have emphasized that we started with a *Hickel* process, adjusted to lower deviations taking into account federal law (deviation), then adjusted based on testimony and the Board’s deliberative efforts. This raises the overall deviation, but creates a record for the Court to review to see that it was a systematic, rational, and explained process. That is how you avoid protracted legal action.

I hope this has answered your question sufficiently. If you have further questions, I am available to assist.

Tom Begich
State Senate Minority Leader for the Senate Minority Caucus

**ALASKA REDISTRICTING BOARD
COMMUNITY PUBLIC HEARING
VERBAL TESTIMONY SUMMARY**

Statewide 10/30/21 Teleconference Testimony

Summary Date: 11/5/2021

Name: **John Sonin**

John Sonin expressed concern with redistricting efforts that pit both Juneau representatives against each other. Fair maps must be drawn and representation in Juneau must be maintained.

ALASKA REDISTRICTING BOARD COMMUNITY PUBLIC HEARING VERBAL TESTIMONY SUMMARY

Statewide 10/30/21 Teleconference Testimony

Summary Date: 11/4/2021

Name: James Squyres

James spoke in favor of Board Map v.4 and the AFFR maps are superior as they both embrace elements of his previous testimonies on 8/24 and 9/17 on the socio-economic integration from Eielson AFB. There are socio-economic ties due to the recent accident on the Richardson Highway with a convoy that goes between Eielson and Greeley. This backed up traffic in both directions, comprised of Alaskans traveling within the area. There are missiles in the ground in Greeley. Along with the F-35's in Eielson, this is a natural grouping. An issue to be resolved is addressing the constitutional requirements (contiguous, compact, and socio-economically integrated). He has heard testimonies that finetuning has taken place in Anchorage districts over the issue of relatively socio-economically integrated areas. He has also heard testimonies about the great rural "horseshoe" of Alaska being problematic.

Combining the road system of Delta, Deltana, in missile defense, with Holy Cross, Koyukuk, and Hughes is not a socio-economic tie nor is it compact. This board can do better. Article 6, Section 6 indicates that drainage and geographic features shall be apart of the redistricting process. However, when the highway was left behind for the river system at Coldbrook, they went into another world that deserves a different type of representation at the legislature. At his last testimony, James submitted a map that he would like the board to consider. Besides combining similar interests on the road system up to Eielson, it also reaches up to Denali Borough to similar Alaskans and includes Clear Air Force Station. This inclusion of Clear/Anderson moves the needle on socio-economic integration and addresses compactness. James is aware that the board is directed to use census numbers, but there is a discretion on being above or below the exact divisor. The RAA area has more PFD applications (over 200) than is shown in the census count, and there are a number of reasons due to a spread out area and people protecting their privacy, but that is no reason why they should not be represented in the legislature.

Boundary lines should be drawn through wilderness in the back of subdivisions, not down streets and highways. If you can see different campaign signs on different sides of the road, this is a sign that socio-economic integration may need to be looked at closer. Delta/Deltana being in the same district as Holy Cross down the Yukon is a significant red flag that should be looked at again.

ALASKA REDISTRICTING BOARD COMMUNITY PUBLIC HEARING VERBAL TESTIMONY SUMMARY

Statewide 10/30/21 Teleconference Testimony

Summary Date: 11/5/2021

Name: Leslie Teders

Leslie lives in the Chena Pump area and has seen many changes due to redistricting before, some of which were difficult for her to understand. Because she is retired, she has reviewed all maps carefully and does not agree with Board Map v.3 and v.4 as it seems the deviations are very high. She prefers the AFFR map as it seems to be less divisive among communities with less population differences. It is also helpful for North Pole to maintain their own area as many maps divide North Pole in the middle. She does not agree that her community has anything in common with other communities that show on the maps. She has more in common with people who live on the other side of Chena Ridge. Cutting up the community areas and districts and putting them in direct conflict is not right. Please reconsider the maps and look at the AFFR map as it covers the population requirements.

ALASKA REDISTRICTING BOARD COMMUNITY PUBLIC HEARING VERBAL TESTIMONY SUMMARY

Statewide 10/30/21 Teleconference Testimony

Summary Date: 11/4/2021

Name: **Darla Theisen**

Darla does not support Board Map v.3 as it does not make sense to put North Pole with Fairbanks. These communities are very different. Darla also does not support grouping Delta with Koyukuk. People in Eielson and Salcha do most of their shopping in Fairbanks and North Pole, not in Delta, but she does understand the connection between Eielson and Ft. Greeley.

ALASKA REDISTRICTING BOARD COMMUNITY PUBLIC HEARING VERBAL TESTIMONY SUMMARY

Statewide 10/30/21 Teleconference Testimony

Summary Date: 11/4/2021

Name: **Barbara Tyndall**

Barbara stated that any plan for North Pole should include Eielson AFB, Salcha, and Moose Creek as they are closely aligned socio-economically with North Pole. Many residents do their shopping and attend church in North Pole. Barbara spoke in favor of the AFFR map and Board Map v.4.

ALASKA REDISTRICTING BOARD COMMUNITY PUBLIC HEARING VERBAL TESTIMONY SUMMARY

Statewide 10/30/21 Teleconference Testimony

Summary Date: 11/4/2021

Name: Gary Tyndall

Gary suggested that, in the interest of representation, there should be more weight than just population numbers. Gary gave some comments on the AFFER map which appears to be the best balance of factors in consideration: 1) In the northeast corner of District 6-C, there is a portion that projects north of the river and comes up below West Badger Road area and down to North Pole, this would be better placed with District 9-E (North Pole/Moose Creek) based on the people who live there, what they're doing for work, and their interests. 2) Within District 8-D, there is a projection eastward and it seems to have a border that is along Badger Road. He suggested a more appropriate border to move it up smaller to make it along the river and slew; this is a more natural dividing line than the road itself. 3) The AFFER Map does a better job of bringing in areas to the east and south that are contiguous such as Moose Creek, Eielson , and Salcha. 4) It also conforms to borough boundaries and representation as well.

ALASKA REDISTRICTING BOARD COMMUNITY PUBLIC HEARING VERBAL TESTIMONY SUMMARY

Statewide 10/30/21 Teleconference Testimony

Summary Date: 11/5/2021

Name: Susan Warner

Susan Warner thanked the board for offering maps to the public, such as the Doyon Coalition map that retains Gustavus, Juneau, and Haines (District 33) as the primary socio-economic, political, and cultural affiliations of the Gustavus community; this is much more aligned with Juneau and Haines than Hoonah or Yakutat. Please consider redrawing the Doyon Map of District 33 boundaries to retain and preserve their right to have a political say in their presently adjacent lands and seas rather than cutting off the western boundary and gifting it to a new ocean district. Inside waters people have the right to have a say as outside waters do. Less disruptive reapportionment can be easily obtained by a few minor adjustments to the existing District 33 boundaries: Drop the northeast line south toward Burners Bay, the eastern boundary east to include Shelter Island, and raise the southeast boundary to draw a line from Montana Creek Trailhead to Fish Creek. If 415 people were thereby added to District 33 by these simple changes, both Districts 33 and 34 would have less than a 1% deviation from target (District 33 at 18,154 and District 34 at 18,175). Even more importantly, this minor adjustment would prevent destroying the fair balance of political power in the community. Hoonah would continue to integrate and align with adjacent lands, seas, and neighbors and Yakutat continuing to do the same with neighbors, lands, and seas to the north.

ALASKA REDISTRICTING BOARD COMMUNITY PUBLIC HEARING VERBAL TESTIMONY SUMMARY

Statewide 10/30/21 Teleconference Testimony

Summary Date: 11/5/2021

Name: **Doug Woodby**

Doug Woodby is in support of redistricting that results in the minimum deviation from an even proportion between districts. It makes common sense to have equal voting power. For this reason, he is opposed to Board Maps v.3 and v.4 and is in support of the Doyon Coalition map, AFFR map, and the Senate Minority Caucus maps. For Juneau, he opposes the AFFER plan due to the way it splits the Mendenhall Valley which violates the socio-economic homogeneity. He strongly opposes Board Map v.3 due to the deliberate effort to carve out the the current residents on the same street as local incumbent, Andrea Story, to put her in future election competition with other local incumbents in the state house.